

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eriko Takano et al.
Serial No. : 10/017,471 **RECEIVED**
Filing Date : October 23, 2001 **CENTRAL FAX CENTER** **SEP 24 2004**
Examiner : Kathleen M. Kerr, Ph.D.
Group Art Unit : 1652
Entitled : ANTIBIOTIC PRODUCTION

Suite 2400
1601 Market Street
Philadelphia, PA 19103
(215) 563-4100 (telephone)
(215) 563-4044 (facsimile)
Our File No. 0380-P02329US1

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile-transmitted to the United States Patent and Trademark Office fax number (703) 872-9306 on the date indicated below.

September 24, 2004

Date

Caren Burgoon

Caren Burgoon

Typed Name of Person Mailing Paper or Fee

Signature of Person Mailing Paper or Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

A Notice of Non-Compliant Amendment (37 CFR §1.121) was issued September 15, 2004 in the above-identified patent application. The September 15th Notice set a one (1) month time period in which to re-submit the corrected section of applicant's Amendment which was filed June 21, 2004.

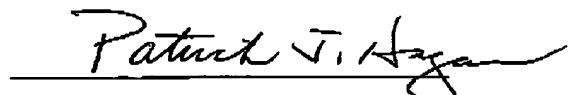
In response to the aforementioned Notice, submitted herewith is the entire "Amendment to the Claims" section of the June 21, 2004 Amendment, which complies with 37 CFR §1.121. Entry of this "Amendment to the Claims" section, which is being re-submitted before the expiration of the initial, unextended response period, is hereby requested.

In the event that a fee is required in connection with the consideration of the present amendment the Commissioner is hereby authorized to charge such fee to Deposit Account No. 04-1406.

Favorable reconsideration and allowance of this application is again respectfully requested.

Respectfully submitted,

DANN, DORFMAN, HERRELL and SKILLMAN



Patrick J. Hagan
Reg. No. 27,643
Attorney for Applicants

PJH:cmb

FEE TRANSMITTAL

		<i>Complete if known</i>
		Application Number: 10/017,471
		Filing Date: October 23, 2001
		First Named Inventor: Eriko Takano et al.
		Title: ANTIBIOTIC PRODUCTION
TOT. AMT. OF PAYMENT: (1) + (2) + (3) = \$ 0.00		Our File No.:0380-P02329US1

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)		
1. The Commissioner is hereby authorized to:	3. ADDITIONAL FEES		
<input type="checkbox"/> Charge indicated fees <input checked="" type="checkbox"/> Charge additional fees <input checked="" type="checkbox"/> Credit overpayments	Fee Description	Fee Paid	
to the account of DANN, DORFMAN, HERRELL AND SKILLMAN	Surcharge - late filing fee or oath	_____	
Deposit Account Number <u>04-1406</u>	Surcharge - late provisional filing fee or cover sheet	_____	
2. Payment enclosed:	Non-English specification	_____	
Check in the amount of <u>\$ 0.00</u>	For filing a request for reexamination	_____	
	Requesting publication of SIR prior to Examiner action	_____	
	Requesting publication of STR after Examiner action	_____	
	Extension for response within first month	_____	
	Extension for response within second month	_____	
	Extension for response within third month	_____	
	Extension for response within fourth month	_____	
	Notice of Appeal	_____	
	Filing a brief in support of an appeal	_____	
	Request for oral hearing	_____	
	Petition to institute a public use proceeding	_____	
	Petition to revive unavoidably abandoned application	_____	
	Petition to revive unintentionally abandoned application	_____	
	Issue fee	_____	
	Advance Order (10 copies)	_____	
	Publication fee	_____	
	Petitions to the Commissioner	_____	
	Petitions related to provisional applications	_____	
	Submission of Information Disclosure Stmt.	_____	
	Recording each patent assignment per property (minus number of properties)	_____	
	Filing a submission after final rejection (37 CFR 1.129(a))	_____	
	For each additional invention to be examined (37 CFR 1.129(b))	_____	
	Other fee (specify) _____	_____	
1. FILING FEE	FEE CALCULATION		
Fee Description	Fee Paid		
Utility filing fee	_____		
Design filing fee	_____		
Plant filing fee	_____		
Reissue filing fee	_____		
Provisional filing fee	_____		
SUBTOTAL (1) \$ _____			
2. CLAIMS	Extra	Fee	Fee Paid
Total Claims			
Presented <u>20</u> - <u>20</u> = <u>0</u> x <u>18.00</u> = <u>0</u>			
(a)			
Independent Claims			
Presented <u>3</u> - <u>3</u> = <u>0</u> x <u>86.00</u> = <u>0</u>			
(b)			
Multiple Dependent Claim (first presentation)	_____	=	<u>0</u>
(a) Enter 20 or number previously paid for			
(b) Enter 3 or number previously paid for			
SUBTOTAL (2) \$ <u>0</u>			SUBTOTAL (3) \$ _____

Submitted By:

Typed or

Printed Name Patrick J. Hagan Reg. Number 27,643Signature Patrick J. HaganDate September 24, 2004

Deposit Account User ID

04-1406